

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JUDY BONN-WITTINGHAM; MELVA JONES;
GERMITA FREMONT; MAISIE BECKFORD,
LENA BARTON; DULCIE JONES; UNICA
GEORGE; GRETA KEISER; ENID LEWIS; MARIE
PAULA EUGENE; GLORIA BENT; GRACE
YARDE; LINDA HENDERSON; VESTA
DOUGLAS; EVELYN CIMA; MERLE HOYTE;
OCTAVIA CRICK; ALBERTINA THOMAS;
UNICEY DESHIELDS; SUZY DORCE;
IMMACULA AUGUSTE; MARY P. EUGENE;
ALBERTHA FENELON; PARBATI SINGH;
VERNA RICKETTS; GILLIAN BOWEN; FARIL
BEST; CORNELIOUS GREEN; MARGARET
YOUNGE; GLADYS ENRIQUEZ;
OLIVE DUTCHIN; MIGNAN BARRY; SHERAN
JAMES; DEBBIE ANN BROWN; PAULINE
GRANT; CATHERINE JESSAMY; BEVERELY
CALDWELL; IRMA ANDERSON; MARIE AFREH;
SHIRLEY EDWARDS; OMODELE JOHNSON;
THEMA JAMES; ADALSIE HOUSTON;
ROSEANNE CRANDON; CECILIA BEST;
MARTHA GROVES; LAUNA JONES; ANGELA
ARMSTRONG; IONIE SENIOR; YOLANDE JEAN-
BART; MORINE WRIGHT; YVONNE LEWIS;
ANITA LUBIN; ELAINE CLARKE; MARIE
FLEURIMONT; MARGARET COTTERELL;
MARIE YANICK JOSEPH; ELLA POMPEY;
MYRNA THOMAS; MARIE-L GILLES; EUNICE
STAFFORD; MARIE MILORD; MARIE D. PIERRE;
MERLE LOPEZ; BEVERLINE GRANT; ELAINE
TAYLOR; LINNETT WILLIAMS; ROXANNE
CAMBRIDGE; KATHLENE MORGAN; SAWARIE
RAMLOCHAN; ANNE MARIE MORGAN;
LEONIE HUSSETT; LINETTE CORNWALL; FAY
MCKENZIE; MARIE DORSAINVILLE; CARMEL
ANDERSON; YOLANA GAYLE; PAULINE
CLARKE; ALVIRA HENRY; JOAN LEACOCK;
LYNETTE VYENT; MARIE MONPREMIER;
SYLVIA HOYTE; UNA SEALE; LUCY INEUS;
LORENTE SIMEON; PEARLINE DONALDSON-
REID; BETTYANNE ALEXANDER; OLGA
CADET; CARMEN POWNALL; JUDY TAYLOR;
LYNETTE A. WILLIAMS; FLORENCE CUVILLY;
JEANETTE BRICE; CAROLINE LONG;
MARJORIE JOHNSON; GERDA ANTOINE;

Case No.: 1:16-cv-00541-ARR-JO

**REPLY DECLARATION OF
KEVIN J. O'CONNOR, ESQ.**

LAW OFFICES

**Peckar &
Abramson**

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DORETTA THOMAS; WALTERINE LEVIUS;
VELDA MAYERS; ELIZA HAMILTON; YVONNE
MACK; ISOLYN PALMER; VANETTA GRANT;
PATRICIA COSMAS; DONNA HEADLEY;
CLAUDETTE GRIMES; SEORAJNI PERSAUD;
NEELA WARDEN; EILEEN TUCKER; ANNETTE
DAVIS; CARMEN PELZER; ANN SABAL;
JACQUELINE ELLIS; JOAN MARAGH; SYLVIA
PETERS; JUILETTE HAMILTON; MARIE
LAGUERRE; TANISHA GOODEN; IMMACULA
DORISMOND; ELSIE COLLINS; BEVERLY
ROYAL MCPHERSON; AUDREY CROSDALE;
MARIYA SUDNISHNIKOVA; VALENTINA
RUSZCZYK; HODA HASSANE; HUGUETTE
NELSON; SANDRA MCINTOSH; YVELINE M.
BEAUCHAMP; JULIETH MELBOURNE;
ADELINE JERMAIN; GISLAINE JOCELYN;
MIROSLAWA BARTOLD; MARINA KISSINA;
MARINA BESSARABOVA; MARTHE LATOUR;
JEANINE ELIE; MARIE LONGUEFOSSE;
YPPOLIA DECOPAIN; LUDMILLA
ARMONAVICA; ESTHER LOPEZ; JANINA
WERLYNSKA; CONSESORA LIRIANO;
MARIANELA SORIANO; DIGNA GARCIA;
PAULA GARCIA; MERCEDES GARCIA; LIDIYA
BERDNKOVA; KRYSTYNA BUNKOWSKA;
VITOLD STANKEVICH; ZOIA STANKEVICH;
ANATALIE JEAN; ANA M. GOMEZ; CANDIDA
PAREDES; MARIE GRAND-PIERRE; ALMA
ARIZA; CRYSTAL EDWARDS

Plaintiffs,

on behalf of themselves and all others similarly
situated

- against -

PROJECT O.H.R. (OFFICE FOR HOMECARE
REFERRAL), INC.,; METROPOLITAN NEW
YORK COORDINATING COUNCIL ON JEWISH
POVERTY; D'VORAH KOHN

Defendants.

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I, **KEVIN J. O’CONNOR**, of full age, hereby declare as follows:

1. I am an attorney-at-law of the State of New Jersey and a shareholder with the firm of Peckar & Abramson, P.C., attorneys for Defendants, PROJECT O.H.R. (OFFICE FOR HOMECARE REFERRAL), INC.; METROPOLITAN NEW YORK COORDINATING COUNCIL ON JEWISH POVERTY AND D’VORAH KOHN. (collectively “Defendants”) in this matter.

2. I submit this Reply Declaration in further support of Defendants' Reply Memorandum of Law in Further Support of Defendants' motion to dismiss the Second Amended Complaint (“SAC”) pursuant to Federal Rule of Civil Procedure 12(b)(6) and to strike class allegations.

3. A copy of Judge Kathy J. King's Order dismissing class allegations, dated January 20, 2016, in the matter styled as Melamed v. Americare Certified Special Serv., Inc., bearing Index Number 503171/2012, is attached hereto as **Exhibit A**.

4. A copy of the unpublished decision of Andryeyeva v. New York Health Care, Inc., 2011 WL 12522345 (Kings Cty., June 20, 2011), is attached hereto as **Exhibit B**.

5. A copy of the unpublished decision of Albunio v. International Safety Group, Inc., 2016 WL 1267795 (S.D.N.Y. Mar. 30, 2016), is attached hereto as **Exhibit C**.

6. A copy of the unpublished decision of O'Diah v. N.Y.C., 2002 WL 1941179 (S.D.N.Y. Aug. 21, 2002), is attached hereto as **Exhibit D**.

7. A copy of the unpublished decision of Moreno v. Future Care Health Svs., Inc., 2015 WL 1969753, 2015 N.Y. Slip Op. 31752(U) (Kings Cty. May 4, 2015), is attached hereto as **Exhibit E**.

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8. A copy of Judge David L. Schmidt's Order dated May 4, 2015 denying class certification in the matter styled as Moreno v. Future Care Health Svs., Inc., bearing Index Number 500569/2013 is attached hereto as **Exhibit F**.

9. A copy of the unpublished decision of Motta v. Global Contract Services, Inc., 2016 WL 2642229 (S.D.N.Y. May 4, 2016), is attached hereto as **Exhibit G**.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

/s/ Kevin J. O'Connor
KEVIN J. O'CONNOR

Dated: July 1, 2016

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